ERIE COUNTY WATER AUTHORITY AUTHORIZATION FORM

For Approval/Execution of Documents (check which apply)

Contract: 18-17-04 Project Description: _	Project No.: 20180001 Excavated Material Removal and Disposal April 1, 2018 through March 31, 2020	0	
Item Description: Agreement Professional Service Contract Amendment Change Order BCD NYSDOT Agreement Contract Documents Addendum Recommendation for Award of Contract Recommendation to Reject Bids Request for Proposals X Other Final Pay Application			
Action Requested: Board Authorization to Execute Board Authorization to Award Execution by the Chairman Board Authorization to Advertise for Bids Execution by the Secretary to the Authority Board Authorization to Solicit Request for Proposals X Other Board Approval			
Approvals Needed: APPROVED AS TO X Sr. Distribution En X Chief Operating O X Executive Engined X Director of Adminit X Risk Manager X Chief Financial O X Legal APPROVED FOR B X Secretary to the A	officer land formula er istration Molly of Musero fficer Margaret U. Murphy OARD RESOLUTION:	Date: 4/20/2021 Date: 4/20/2021 Date: 04/20/2021 Date: 04/20/2021 Date: 04/21/2021 Date: 04/21/2021 Date: 04/21/2021 Date: 04/21/2021	
Pomerks: Amount of	ertified for Final Payment \$22,625,77		
Remarks: Amount certified for Final Payment \$23,635.77			
Resolution Date:	Item No:		

ERIE COUNTY WATER AUTHORITY



INTEROFFICE MEMORANDUM

April 20, 2021

To: Terrence D. McCracken, Secretary to the Authority

From: Leonard F. Kowalski, Executive Engineer

Subject: Excavated Material Removal and Disposal

April 1, 2018 through March 31, 2020

ECWA Project No. 201800010

The following documents are attached for processing of the Final Pay Application for the above referenced project.

- Blue Authorization Form this form provides the project name and project number, the action that is being requested of the Board, and it provides a list of approvals that are required prior to being acted on by the Board.
- ECWA Final Payment Application Checklist and Packet.

The checklist indicates that the contractor, Geiter Done of WNY, Inc., has provided all the proper documentation to close out the contract, including the required WMBE Utilization Report – Part D and Final Certified Payrolls, which were already reviewed and approved by Director of EEO (ECWA). The entire Final Pay Application package must be reviewed by Risk Manager and Legal Department prior to Board action.

The amount certified for Final Payment is \$23,635.77 and includes all the previous retainage. The project was billed to Unit 2535 Restoration – Item 18 Payments to Contractors – Restoration and retention was withheld from progress payments per the contract requirements. The retention will be paid from the following budget line: General Ledger No 232003 Contract Retentions.

LFK:jmf Attachment cc: M.Quinn

ECWA-840-1801-I-186

Erie County Water Authority Final Payment Application

CHECK LIST: Items to Accompany Final Payment Application

X	1.	Blue Authorization Form
	2.	Statement by Consultant, if applicable, certifying that all work was performed in general conformance to plans and specifications and recommend that Final Payment be made. If no Consultant, ECWA Engineering should recommend the Final Payment be made.
	3.	Final Payment Application. The Amount Certified for Final Payment must be written on the Blue Authorization Form.
	<u>In</u>	surance & Bond Requirements
	4.	Evidence that Insurance is in effect for two years. This is usually evident on the Certificates of Insurance that are issued. Geiter Done has an active project with ECWA (LFK 04/15/2021).
	5.	Certification that Performance Bond is in effect for two years and Payment Bond is in effect for one year.
	Re	elease & AIA Forms
		Form 507 Release by Corporation
	6.	
	6. 7.	Form 507 Release by Corporation
	6. 7. 8.	Form 507 Release by Corporation AIA G706, Contractor's Affidavit of Payment of Debts and Claims
	6. 7. 8. 9.	Form 507 Release by Corporation AIA G706, Contractor's Affidavit of Payment of Debts and Claims AIA G706A, Contractor's Affidavit of Release of Liens
	6. 7. 8. 9.	Form 507 Release by Corporation AIA G706, Contractor's Affidavit of Payment of Debts and Claims AIA G706A, Contractor's Affidavit of Release of Liens AIA G707, Consent of Surety to Final Payment
X X X	6. 7. 8. 9. EEE 10	Form 507 Release by Corporation AIA G706, Contractor's Affidavit of Payment of Debts and Claims AIA G706A, Contractor's Affidavit of Release of Liens AIA G707, Consent of Surety to Final Payment EO Requirements

To Accounts Payable

 After the Final Payment Application has been approved by the ECWA Board of Commissioners, a PDF copy can be emailed to accountspayable@ECWA.org

To ECWA Engineering

- A hard copy of the entire Final Payment Application should be placed in the files.
- A PDF copy of the Final Payment Application should be saved to the appropriate project folder on the network.

EEO:

- M/WBE Part D
- Certified Payrolls



ERIE COUNTY WATER AUTHORITY

3030 Union Road • Cheektowaga, New York 14227-1097 716-684-1510 • FAX 716-684-3937

November 12, 2020

Mr. Mike Honer, Vice President Geiter Done of WNY 300 Greene Street Buffalo, New York 14206

> Re: Excavated Material Removal & Disposal April 1, 2018 through March 31, 2020 ECWA Project No. 201800010

Dear Mr. Honer:

Please be advised that all work on the above referenced project has been completed in general conformance with the requirements of the Contract Documents. The final contract value is \$478,697.43 of which \$455,061.66 in payments have been previously made to you. The balance due is \$23,635.77, which is return of retention monies previously withheld.

Enclosed please find three copies of Estimate No. 30 and Final in the amount of \$23,635.77. Please sign and return two copies to our office for further processing. Please note that we also request the following:

1. Evidence the surety bond remains in effect throughout the warranty period. This shall be on the surety's or surety agent's letterhead. This is in accordance with Article 5.01 of the General Conditions, modified by 5.01A of the Supplementary Conditions, which states the payment bond shall remain in effect for one year and the performance bond shall remain in effect for two years after final payment becomes due. The bond shall be in the amount of \$478,697.43.

The surety or surety agent shall include the following statement in their letter:

Be advised that, in accordance with Article 5.01 of the General Conditions, modified by 5.01A of the Supplementary Conditions, the performance bond for the above captioned project will remain in full force and effect for two (2) years after final acceptance and the payment bond will remain in effect for one (1) year after the date of final acceptance.

- 2. As required per the Contract Documents, please furnish the following:
 - a. A general release (copy attached for your use, Form 507).
 - b. Evidence that all payrolls, amounts due to sub-contractors, etc. have been paid. Utilize AIA Form G706.

The following statements shall be included on the AIA Form G706:

The undersigned hereby certifies that, except as listed below, payment has been made in full and all obligations have otherwise been satisfied for all materials and equipment furnished, for all work, labor, and services performed, and for all known indebtedness and claims against the Contractor for damages arising in any manner in connection with the performance of the Contract referenced above for which the Owner or Owner's property might in any way be held responsible or encumbered.

EXCEPTIONS: None

c. A statement that all bills for labor and materials have been paid. Utilize AIA Form G706A.

The following statements shall be included on the AIA Form G706A:

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS: None

- d. Consent of Surety to Final Payment. Utilize AIA Form G707.
- e. Copies of certified payrolls.
- f. Part D of the MWBE.

Upon receipt of all the above documentation, we will process the final payment application. If you have any questions, please do not hesitate to call.

Sincerely yours,

ERIE COUNTY WATER AUTHORITY

Jeffrey R. Sylvester Distribution Engineer

JRS:jmf Attachments cc: L.Kowalski M Quinn

M.Quinn ECWA-840-1801 Job Description: Excavated Material Removal & Disposal April 1, 2018 through March 31, 2020

Estimate No. 30 and Final Contract No. 18-17-04

Period Covered: April 1, 2020 to November 10, 2020

Project No. 201800010

Contractor: Geiter Done of WNY, Inc.

300 Greene St Buffalo, NY 14206 V5588

Amount This Estimate	Completed Previous Estimate		ed to Date	Contract Break Down Completed to Date			Bid Item Item Spec No.	
	Amount	%	Amount	%				
\$0.0	\$252,819.49	109.45	\$252,819.49	109.45	\$231,000.00	77.00	3000 LD @	1A
\$0.0	\$34,340.60	49.06	\$34,340.60	49.06	\$70,000.00	140.00	500 LD @	1B
\$0.0	\$164,168.50	109.45	\$164,168.50	109.45	\$150,000.00	50.00	3000 LD @	2A
\$0.0	\$12,264.00	49.06	\$12,264.00	49.06	\$25,000.00	50.00	500 LD @	2B
\$0.0	\$2,808.50	100.00	\$2,808.50	100.00	\$2,808.50	1.00	Change Order #1	NA
\$0.0	\$1,501.25	100.00	\$1,501.25	100.00	\$1,501.25	1.00	Change Order #2	NA
\$0.0	\$4,813.43	100.00	\$4,813.43	100.00	\$4,813.43	1.00	Change Order #4	NA
	\$472,715.77		\$472,715.77	97.44	\$485,123.18	Sub-Total		
					-317	t invoice	пе	
	\$0.00		- Hut			Retention	Previously Returned I	. 1
	\$23,635.80					Retention	Return f	
\$23,635.8	This Estimate	mount Due	A		1000			

I hereby certify that according to the above mentioned Contract, this is a just estimate of the work done and materials furnished under the Contract between April 1, 2020 and November 10, 2020, both inclusive, and the value thereof, being \$23,635.80.

Prepared ⁽ By:	mars Edem	mg 16/10/2020
Ву:	Mile 18	Date Date
	Senior Distribution Engineer	Date 04/16/2021
	Executive Engineer	Date



PO Box 4743 Syracuse NY 13221-4743 800-289-1501 | www.haylor.com 24 Hour Claims

February 17, 2021

Erie County Water Authority 3030 Union Road Cheektowaga, New York 14227-1097

To Whom It May Concern:

Be advised that, in accordance with Article 5.01 of the General Conditions, modified by 5.01A of the Supplementary Conditions, the performance bond for the below captioned project will remain in full force and effect for two (2) years after final acceptance and the payment bond will remain in effect for one (1) year after the date of final acceptance:

Bond Number:

63589264

Owner:

Erie County Water Authority

Job:

Excavated Material Removal & Disposal

April 1, 2018 through March 31, 2020

ECWA Project No. 201800010

Contractor:

Geiter Done of WNY, Inc.

If you have any questions or concerns, please do not hesitate to contact me. Thank you.

Sincerely,

Dawn M. Gaido, Attorney-in-Fact

Western Surety Company



To all to Whom these Presents Shall Come, or may concern

Greeting: Know Ye, That

Geiter Done of WNY, Inc.

300 Greene Street

Buffalo, New York 14206

NAME AND ADDRESS OF CORPORATION

For and in consideration of the sum of Four Hundred Seventy Eight Thousand

Six Hundred Ninety Seven and 46/100

dollars (\$_478,697.46

lawful money of the United States of America to its duly authorized officer in hand paid by the Erie County Water Authority,

the receipt whereof is hereby acknowledged, has remised, released, and forever discharged, and by these presents does for itself, its successors and assigns, remise, release and forever discharge the said Erie County Water Authority,

heirs, executors, administrators, successors and assigns, of and from all, and all manner of action and actions cause and causes of action, suits, debts, dues, sums of money, accounts, reckoning, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever, in law or in equity, which against the said:

Geiter Done of WNY, Inc.

(NAME OF CORPORATION)

ever had, now has or which it or its successors or assigns, hereafter can, shall or may have for, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of these presents.

In Presence of	in witness Whereof, the
	Geiter Done of Why Inc. has caused its
	corporate seal to be hereunto affixed, and
	these presents to be signed by its duly authorized
	officer this 18th day of December
	Two Thousand and twenty
	Mil Tes
	By Michael Hover M. Vice President
State of New York)	
County of Erie ss.	
Of)	
On this day of	Deemlelr, Two Thousand
and Twenty, before me personali	by came Mishael Home Jo to
me personally known who, being by me duly	y sworn did depose and say that he/she resides in
Buffalo, My	that he/she is
the Vice President of Keiter	Done of WNY gre, the corporation
described in and which executed the a	bove Instrument, that he/she knows the seal of said
corporation; that it was so affixed to said l	Instrument is such corporate seal; that it was so affixed by
order of the Board of Directors of said con	rporation, and he/she signed his/her name thereto by like
order.	
2_	Clean Chenslynia
COLLEEN A KENDZIORA	
NOTARY PUBLIC, STATE OF NEW YORK	
Registration No. O1KE4993847 Qualified in Erie County	
P:\ECWA\P26T8WWWoiffilm Expires March 23 by Corp	Page 2 of 2



Contractor's Affidavit of Daymont of Dobts and Claims

Excavated Material	ARCHITECT'S PROJECT NUMBER:	OWNER □
Excavated Material Romoval + Disposal	201800010 CONTRACT FOR: General Construction	ARCHITECT □
	General Construction	CONTRACTOR A
O OWNER: (Name and address)	CONTRACT DATED: April 1,2018 - March 312020	SURETY
ECWA - 295 Main St. #350 Buffelo, NY 14203	March 31 2020	OTHER 🗆
	cept as listed below, payment has been made in ful	l and all obligations have
for all known indebtedness and claims as the performance of the Contract reference held responsible or encumbered.	and equipment furnished, for all work, labor, and sgainst the Contractor for damages arising in any maed above for which the Owner or Owner's property	inner in connection with
for all known indebtedness and claims as	gainst the Contractor for damages arising in any ma	inner in connection with

1. Consent of Surety to Final Payment. Whenever Surety is involved, Consent of Surety is required. AIA Document G707, Consent of Surety, may be used for this purpose.

Indicate Attachment

The following supporting documents should be attached hereto if required by the Owner:

- 1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
- 2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.
- 3. Contractor's Affidavit of Release of Liens (AIA Document G706A).

Geiter Done of Why Inc. 300 Greene St. Buttalo, ny 14706

(Signature of authorized representative)

Michael Honer JII. Vice President

Subscribed and sworn to before, me on this date, Wents Man W

Notary Public

WENDY MARIE MONTANTE NOTARY PUBLIC, STATE OF NEW YORK

My Commission Expressivation No. 01MO6411197 Qualified in Erie County

Commission Expires November 09, 2024

CAUTION: You should sign an original AIA Contract Document, on which this text a changes will not be obscured.

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Contractor's Affidavit of Release of Liens

PROJECT: (Name and address)	ARCHITECT'S PROJECT		OWNER:
Excavated Material Nemoval & Disposal	NUMBER: 201800010		ARCHITECT:
Juliocal C	CONTRACT FOR: General		CONTRACTOR:
TO OWNER: (Name and address)	Construction CONTRACT DATED: April	12018-	SURETY:
ELWA 295 main st.	March	21 2020	OTHER:
#350 Bullo, NY 14703	March	31 2000	

STATE OF: Dew YORK COUNTY OF: Eriz

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS: NONE

SUPPORTING DOCUMENTS ATTACHED HERETO:

- Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
- 2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

Gciter	CTOR: (Name and address) Done of NNY Inc. Freeze 6t Buffelo, NY 14706
BY:	(Signature of authorized
	representative) Michael How V JM. Vice President (Printed name and title)

Subscribed and sworn to before me on this date:

Notary Public: Wend Ma Modern My Commission Expires:

WENDY MARIE MONTANTE
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MO6411197
Qualified in Erie County
Commission Expires November 09, 2024

AIA° Document G707" – 1994

Consent Of Surety to Final	Payment	ond No. 6358926
PROJECT: (Name and address)	ARCHITECT'S PROJECT NUMBER: 201800010	OWNER:
Excavated Material Removal and Disposal	CONTRACT FOR: Excavated Material Removal and Disposal	
TO OWNER: (Name and address) Erie County Water Authority	CONTRACT DATED: April 1, 2018- March 31, 2020	CONTRACTOR: ☑ SURETY: ☐
295 Main Street, Room 350 Buffalo, NY 14203		OTHER: □
In accordance with the provisions of the Contra (Insert name and address of Surety)	act between the Owner and the Contractor as indicated above, the	
Western Surety Company 151 N. Franklin Street, 17th Floor		
Chicago, IL 60606 on bond of		, SURETY,
(Insert name and address of Contractor) Geiter Done of WNY, Inc. 321 Greene Street		
Buffalo, NY 14206	, C stractor, and agrees that final payment to the Contractor shall not re	CONTRACTOR, clieve the Surety
Erie County Water Authority 295 Main Street, Room 350		
Buffalo, NY 14203 as set forth in said Surety's bond.		, OWNER,
IN WITNESS WHEREOF, the Surety has hereu (Insert in writing the month followed by the num	nto set its hand on this date: December 8, 2020 veric date and year.)	
	Western Surety Company	
	(Surety)	
0: 0:1	(Signature of authorized representativ	e)
Attest: Corinue E. Yousey (Seal):	Trevor A. Hash, Attorney-in-I	act
(Seal):	(Printed name and title)	

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Adam Joseph LaClair, Dawn M Gaido, James D Freyer Jr, Lori Van Auken, Sheila B Corbett, Trevor A Hash, Individually

of Syracuse, NY, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 25th day of March, 2020.

WESTERN SURETY COMPANY

Paul T. Bruflat, Vice President

State of South Dakota County of Minnehaha > ss

On this 25th day of March, 2020, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

June 23, 2021

J. MOHR

SOUTH DAKOTA (SEL)

J. Mohr, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 8th day of December, 2020.



WESTERN SURETY COMPANY

J. Nelson, Assistant Secretar

Form F4280-7-2012

Go to www.cnasurety.com > Owner / Obligee Services > Validate Bond Coverage, if you want to verify bond authenticity.

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

MINORITY BUSINESS ENTERPRISE UTILIZATION REPORT - PART D FINAL CERTIFICATION OF EXPENDITURES TO MBE's

(to be completed by the prime CONTRACTOR and submitted with the request for final payment)

CONTRACTOR: Geiler Donl	CONTRACT: 201800010
MBE	TOTAL AMOUNT EXPENDED
B. Pariso Transport 2647 Whitehoven RL. Grand Island, ny 14072	\$10,922.50
Dig it of New York LLC. 3529 BropDNAY Checkburga, NY 14227	\$ 44,506.00
King Consulting Engineering 1978 Transit Rd. West SENECA, NY 14274	f 12, 204. 45
	TOTAL OF ALL MBE 67,632,95 SUB-CONTRACTS \$ 67,632,95
	AMOUNT OF \$461,606.74
	FINAL MBE 14.65 %
I, Michael Honer Jh.	, as an official
representative of <u>Genter Done Of</u>	Why In.
do hereby certify that the information listed above	e is correct and complete.
	Mile TH
	Vice President
The state of the s	TITLE

From: <u>Lavonya Lester</u>

To: <u>Leonard F. Kowalski</u>; <u>Shari Zajdel</u>

Subject: RE: [EXTERNAL] certified payrolls for previous contract

Date: Friday, April 16, 2021 3:24:31 PM

Attachments: <u>image001.png</u>

Yes – all certified payrolls are received.

I checked the project folder and all certified payrolls are there.

Thanks Lavonya

From: Leonard F. Kowalski < lkowalski@ecwa.org>

Sent: Thursday, April 15, 2021 4:43 PM

To: Lavonya Lester < llester@ecwa.org>; Shari Zajdel < szajdel@ecwa.org>

Subject: FW: [EXTERNAL] certified payrolls for previous contract

Lavonya & Shari – this is the final item I need to close out this contract. Based on the attahced certified payroll, it appears that we have all of the certified payroll on hand, please advise.

PN 201800010 Geiter Done

Thanks, Len

From: Mikey Honer < mhonerjr@geiterdone.com > Sent: Wednesday, February 17, 2021 3:27 PM

To: Lavonya Lester < <u>llester@ecwa.org</u>>

Cc: Jeff Sylvester < <u>isylvester@ecwa.org</u>>; <u>kmarron@geiterdone.com</u>; 'Mike Honer' < <u>mhoner@geiterdone.com</u>>; Russell J. Stoll < <u>rstoll@ecwa.org</u>>; Leonard F. Kowalski < <u>lkowalski@ecwa.org</u>>

Subject: RE: [EXTERNAL] certified payrolls for previous contract

Please see attached documents. Let me know if you need anything else for payment.

Thank you,



Michael Honer Jr.

Vice President